

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC D/B/A §
BRAZOS LICENSING AND §
DEVELOPMENT, §
Plaintiff, §

v. §

CANON INC. and CANON U.S.A., §
INC., §
Defendants. §

CIVIL ACTION 6:20-cv-00980-ADA
CIVIL ACTION 6:20-cv-00981-ADA

JOINT STIPULATION CONCERNING SECOND AMENDED COMPLAINTS

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“WSOU”) and Defendants Canon Inc. and Canon U.S.A., Inc. (“Canon”) (collectively, the “Parties”), hereby stipulate through their respective counsel of record as follows:

WHEREAS, on October 12, 2021, WSOU filed Second Amended Complaints against Canon, which include claims for indirect infringement (6:20-cv-00980, Dkt. 70; 6:20-cv-00981, Dkt. 56);

WHEREAS, WSOU agrees to withdraw its indirect infringement claims as pleaded in its Second Amended Complaints without prejudice;

WHEREAS, Canon agrees not to move to dismiss the Second Amended Complaints on the grounds that they contain claims for indirect infringement;

WHEREAS, the Parties agree that this stipulation does not impede WSOU's ability to re-plead and re-allege claims for indirect infringement (including, but not limited to, *e.g.*, based on facts learned during discovery that support WSOU's indirect infringement claims); and

WHEREAS, the Parties agree that this stipulation does not impede Canon's ability to seek a motion to dismiss or transfer under Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. Section 1406(a) or a motion to transfer under 28 U.S.C. Section 1404(a).

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between WSOU and Canon through their respective undersigned counsel that:

- WSOU's indirect infringement claims as pleaded in its Second Amended Complaints (6:20-cv-00980, Dkt. 70; 6:20-cv-00981, Dkt. 56) are withdrawn without prejudice;
- Canon will not move to dismiss the Second Amended Complaints on the grounds that they contain claims for indirect infringement;
- WSOU may re-plead and re-allege claims for indirect infringement (including, but not limited to, *e.g.*, based on facts learned during discovery that support WSOU's indirect infringement claims); and
- Canon may move to dismiss or transfer under Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. Section 1406(a) or a motion to transfer under 28 U.S.C. Section 1404(a).

IT IS SO STIPULATED.

Date: October 22, 2021

Respectfully submitted,

/s/ Mark D. Siegmund

Mark D. Siegmund (TX Bar No. 24117055)

mark@swclaw.com

**STECKLER WAYNE COCHRAN
CHERRY, PLLC**

8416 Old McGregor Road

Waco, Texas 76712

Telephone: (254) 651-3690

Facsimile: (254) 651-3689

Jonathan K. Waldrop (CA Bar No. 297903)

(Admitted in this District)

jwaldrop@kasowitz.com

Darcy L. Jones (CA Bar No. 309474)

(Admitted in this District)

djones@kasowitz.com

Marcus A. Barber (CA Bar No. 307361)

(Admitted in this District)

mbarber@kasowitz.com

John W. Downing (CA Bar No. 252850)

(Admitted in this District)

jdowning@kasowitz.com

Heather S. Kim (CA Bar No. 277686)

(Admitted in this District)

hkim@kasowitz.com

Jack Shaw (CA Bar No. 309382)

(Admitted in this District)

jshaw@kasowitz.com

KASOWITZ BENSON TORRES LLP

333 Twin Dolphin Drive,

Suite 200 Redwood Shores,

California 94065

Telephone: (650) 453-5170

Facsimile: (650) 453-5171

**ATTORNEYS FOR PLAINTIFF WSOU
INVESTMENTS, LLC d/b/a BRAZOS
LICENSING AND DEVELOPMENT**

Date: October 22, 2021

Respectfully submitted,

/s/ John M. Jackson

John M. Jackson (Texas Bar No. 24002340)

jjackson@jw.com

JACKSON WALKER, LLP

2323 Ross Avenue, Suite 600

Dallas, TX 75201

Tel: (214) 953-6000

Fax: (214) 953-5822

Joseph A. Calvaruso (*pro hac vice*)

jcalvaruso@orrick.com

Richard F. Martinelli (*pro hac vice*)

rmartinelli@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

51 West 52nd Street

New York, NY 10019-6142

Tel: (212) 506-5000

Fax: (212) 506-5151

**ATTORNEYS FOR DEFENDANT
CANON INC. and CANON U.S.A., INC.**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this filing via the Court's CM/ECF system per Local Rule CV-5(a) on October 22, 2021.

/s/ Mark D. Siegmund

Mark D. Siegmund